

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	
)	2:06-CR-00122-MEF
KENDALL R. WATSON)	

UNOPPOSED MOTION TO CONTINUE SENTENCING

COMES NOW the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and moves this Court to continue the sentencing hearing in the above-referenced case from its May 31, 2007 date. In support of this motion, the Government offers the following:

1. This case is set for sentencing on May 31, 2007. On September 6, 2006, the Defendant pled guilty pursuant to a plea agreement. (Doc. 107) In said plea agreement, the government agreed to dismiss Counts Three and Five and to file a motion pursuant to U.S.S.G. § 5K1.1 for a three-level downward departure. (Doc. 107) On November 6, 2006, the Government filed a motion pursuant to U.S.S.G. § 5K1.1 requesting a downward departure of three levels. (Doc. 120) Prior to the plea hearing and the filing of the motion for downward departure, the Defendant testified in a conflict hearing in *United States v. Carmichael* 2:03-cr-259-MHT. Based on partially on defendant's testimony in the *Carmichael* hearing, the government filed an amended motion for downward departure requesting an additional two-level departure. (Doc. 142) On May 24, 2007, the Defendant filed a "Motion for Additional Downward Departure Due to Mitigating Factors." (Doc. 143) In said motion, the Defendant requests an additional 60 month departure to allow the Defendant to be sentenced in the "range of 90-100 months".

2. The undersigned is scheduled to attend her college reunion in Roanoke, Virginia on May 31 and June 1, 2007. The undersigned had intended to have the duty attorney handle this hearing in her absence. However, with the defendant's new motion for downward departure, the undersigned feels that her presence at the hearing would be necessary.

3. The undersigned discussed a sentencing continuance with opposing counsel and opposing counsel has no objection.

WHEREFORE, for the foregoing reasons, the government respectfully requests that the sentencing hearing date in the above-cited cause be continued to a date to allow the undersigned to attend the hearing.

Respectfully submitted this the 29th day of May, 2007.

LEURA G. CANARY
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Jim Cooper.

LEURA G. CANARY
UNITED STATES ATTORNEY

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